

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

CARL WESCOTT,

Plaintiff,

v.

Case No. 3:21-cv-319-MMH-JRK

JOSEPH MARTIN, LEIGH
LIGHTFOOT, and DOES 1
THROUGH 25,

Defendants.

REPORT AND RECOMMENDATION¹

This cause is before the Court sua sponte. Plaintiff initiated this action on March 22, 2021 by filing a Complaint (Doc. No. 1). On the same date, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Doc. No. 2) that the Court construed as a Motion to Proceed In Forma Pauperis (“Motion”). Upon review of the file, the undersigned recommends that the case be dismissed for failure to prosecute.

¹ “Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). “A party may respond to another party’s objections within 14 days after being served with a copy.” Id. A party’s failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Order (Doc. No. 3), No. 8:20-mc-100-SDM, entered October 29, 2020, at 6.

On March 25, 2021, the Court entered an Order (Doc. No. 4), taking the Motion under advisement. Observing that the Complaint was likely subject to dismissal for lack of subject matter jurisdiction, the Court directed Plaintiff to file an Amended Complaint or pay the \$402.00 filing fee no later than April 26, 2021. See Mar. 25, 2021 Order at 1, 5-6, 8.

Plaintiff failed to act by April 26, 2021. Consequently, the undersigned entered an Order to Show Cause (Doc. No. 5) on May 6, 2021, directing Plaintiff to show cause by June 14, 2021 as to why the undersigned should not recommend dismissal of the matter for failure to prosecute. See Order to Show Cause at 2. Plaintiff was also directed to comply with the March 25, 2021 Order by June 14, 2021. Id. Plaintiff was warned that failure to respond by June 14, 2021 would result in a recommendation of dismissal without further notice. Id.

To date, Plaintiff has not responded in any way to the Order to Show Cause, and he has not complied with the March 25, 2021 Order. Accordingly, it is

RECOMMENDED:

1. That this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Rule 3.10(a), Local Rules, United States District Court, Middle District of Florida.

2. That the Clerk of Court be directed to terminate all pending motions and close the file.

RESPECTFULLY RECOMMENDED in Jacksonville, Florida on June 24, 2021.


JAMES R. KLINDT
United States Magistrate Judge

bhc
Copies to:

Honorable Marcia Morales Howard
United States District Judge

Pro Se Party